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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,502	02/21/2001	Jussi Petri Myllymaki	ARC920000074US1	6751

48146 7590 12/28/2005

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,502

Applicant(s)

MYLLYMAKI, JUSSI PETRI

Examiner

Keith T. Ferguson

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-33 and 35 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-26 and 34 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2683

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitation "the communication mechanism planner" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2683

4. Claims 1,6-8,11-15,26 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Parkkila, newly recited reference.

The claimed invention reads on Parkkila as follows:
Regarding claim 1,6-8,11-15,26 and 34, Parkkila discloses a system/signal bearing medium (fig. 1)/method (fig. 3) for locating an alternate communication mechanism in case of a loss of service (failure) of a wireless device (col. 2 lines 41-60 and col. 6 line 39 through col. 8 line 8), comprising: a location tracker (base station) for continuously transmitting information (reselection criteria) to the wireless device for allowing a user to locate an alternate communication mechanism (neighboring cell broadcast channel) (BCCH) after the loss of service (loss of connection to a wireless network) (failure) has occurred (col. 6 line 39 through col. 8 line 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

Art Unit: 2683

matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 10 are are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Naddel et al., newly recited reference.

Regarding claims 2 and 10, Parkkila discloses discloses a system as discussed supra in claim 1 above. Parkkila differs from claims 2 and 10 of the present invention in that it does not disclose the information is textual information. Naddel et al. teaches a system (fig. 1) that broadcast frequencies which are received by mobile that are textual information (fig. 3 and col. 4 lines 31-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Parkkila with the information is textual information in order for the system to provide a list of channels so that the mobile station could select a strong signal strength of a local carrier that may have cheaper rates than other candidate frequencies on the list when there is a loss of service, as taught by Naddel et al..

7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Farris et al..

Regarding claims 4 and 9, Parkkila discloses discloses a system as discussed supra in claim 1 above. Parkkila differs from claims 4 and 9 of the present invention in that it does not explicit disclose said information includes directions to a nearest pay phone. Farris et al. teaches a system for said information includes directions to a nearest pay phone (col. 35 lines 15-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Parkkila with said information includes directions to a nearest pay phone in order for the system of the base station to provide the mobile station an alternative communication mechanism in case there is a loss of service of a wireless connection, as taught by Farris et al..

Art Unit: 2683

8. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Farris et al. as applied to claims 1 and 4 above and in further view of Naddel et al..

Regarding claim 5, the combination of Parkkila and Farris et al. differs from claim 5 of the present invention in that they do not disclose the information is textual information. Naddel et al. teaches a system (fig. 1) that broadcast frequencies which are received by mobile that are textual information (fig. 3 and col. 4 lines 31-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Parkkila and Farris et al. with the information is textual information in order for the system to provide a list of channels so that the mobile station could select a strong signal strength of a local carrier that may have cheaper rates than other candidate frequencies on the list when there is a loss of service, as taught by Naddel et al..

9. Claims 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parkkila in view of Srinivasan et al..

Regarding claims 16-25, Parkkila discloses discloses a system as discussed supra in claim 1 above. Parkkila differs from claims 16-19 of the present invention in that they do not explicit disclose said location tracker is for retrieving location of each user and storing said location information in a location tracking database, wherein the wireless device of the user periodically outputs GPS coordinates to said location tracker, said information being marked with a time stamp, and the source contains a company listing. Srinivasan et al. discloses the wireless device of the user periodically outputs global positioning satellite (GPS) coordinates to said location tracker, said information being marked with a timestamp and stored in said location tracking database and listing of gas stations and restaurants (paragraph 0045, paragraph 0051 through paragraph 0053, paragraph 0057 and paragraph 0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Parkkila with said location tracker is for retrieving location of each user and storing said location information in a location tracking database, wherein the wireless device of the user periodically outputs GPS coordinates to said location tracker, said

Art Unit: 2683

information being marked with a time stamp, and the source contains a company listing in order for the system to provide the mobile station a listing of services so that the mobile station could find alternate things to do when there is a loss of service, as taught by Parkkila.

Allowable Subject Matter

10. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 3, the prior art of record fails to teach or suggest, alone or in combination at least one of a display, on said wireless device, for allowing the wireless device to display said information, which is continuously transmitted from the location tracker and was received by said wireless device prior to the failure of said wireless device, and a speaker, on said wireless device for allowing the wireless device to play audio information included in said information, which was continuously transmitted from the location tracker was received by said wireless device prior to the failure of said wireless device, wherein said failure of said wireless device includes at least one of a loss of capability to perform an intended purpose of said wireless

Art Unit: 2683

device, a loss of connection to a wireless network, a loss of wireless network coverage, a loss of battery, a loss of adequate battery power necessary for communication, a loss of battery power necessary to maintain a network connection, and a loss of capability of the wireless device to transmit signals.

12. Claims 27-33 and 35 are allowed.

13. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 27, the prior art of record fails to teach or suggest, alone or in combination "monitoring, by a wireless provider, location coordinates of a wireless device of a user; based on said location coordinates, consulting at least one database to find at least one candidate resource for assisting the user; selecting a predetermined candidate resource from said at least one candidate resource to provide a best alternate communication mechanism for the user; and forwarding said information to said wireless device of said user prior to said failure of said wireless device".

Regarding claim 35, the prior art of record fails to teach or suggest, alone or in combination "monitoring, by a wireless provider, location coordinates of a wireless device of a user; based on said location coordinates, consulting at least one database to find at least one candidate resource for assisting the user; selecting a predetermined candidate resource from said

Art Unit: 2683

at least one candidate resource to provide a best alternate communication mechanism for the user; and forwarding said information to said wireless device of said user, wherein said failure includes at least one of a loss of capability to perform an intended purpose of said wireless device, a loss of connection to a wireless network, a loss of wireless network coverage, a loss of battery, a loss of adequate battery power necessary for communication, a loss of battery power necessary to maintain a network connection, and a loss of capability of the wireless device to transmit signals".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (571) 272-7865. The examiner can normally be reached on 6:30am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
Art Unit 2683
December 22, 2005

KEITH FERGUSON
PRIMARY EXAMINER

